

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

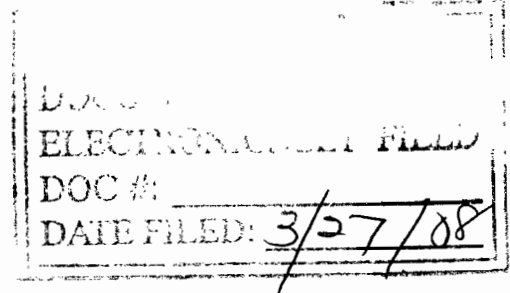
-----X
Richard McLaughlin,

Plaintiff,

-against-

Metro-North Commuter Railroad,

Defendant.
-----X



: **SCHEDULING ORDER**

: 08-CIV-1575 (SAS)

SHIRA A. SCHEINDLIN, U.S.D.J.:

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on March 13, 2008; and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed Scheduling Order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

(1) the date of the conference and the appearances for the parties is March 26, 2008;

(2) a concise statement of the issues as they then appear: The Defendant, Metro-North Commuter Railroad, did not provide the Plaintiff with a reasonably safe place to work. Specifically, as Plaintiff, a Conductor with Metro-North

Commuter Railroad was attempting to perform his work duties, water flowed out from under the engineer's seating area and console area where he was seated at the time. As Plaintiff stood up to perform his duties, his feet slid on the water, causing him to slip and fall, resulting in serious injuries to both his knees, left Achilles heel and back.

The defendant claims that it was not negligent; that it did not have notice of the alleged condition; and that the plaintiff was, in whole or in part, negligent.

Initial Disclosure: 3/28/08 Response to Demand April 25
 (3) a schedule including:

(a) the names of persons to be deposed and a schedule of planned depositions:

- Richard McLaughlin – Plaintiff;
- Marlene McLaughlin – Plaintiff's wife;
- Luigi Constantini;
- Pat Flannery;
- Miscellaneous management employees and other employees of Defendant, Metro-North Commuter Railroad.

*MAY
JUNE
JULY*

(b) a schedule for the production of documents:

- ~~Plaintiff Joinder of parties by June 29, 2008;~~
- ~~Defendant Joinder of parties by July 29, 2008;~~

fact discovery 8/15/08
 Discovery deadline is 11/26/08;
 (c) dates by which (i) each expert's reports will be supplied to the adverse side:

- ~~Plaintiff by December 29, 2008;~~

8/15/08

- Defendant by January ~~26, 2009~~; 9/15

(ii) each expert's deposition will be completed by:

- Plaintiff by January 30, ~~2009~~; 9/30

- Defendant by February 30, ~~2009~~; 10/7

(d) time when discovery is to be completed: ~~11/26/08~~; 10/7

(e) the date by which Plaintiff will supply its pre-trial order matters to the Defendant: ~~2/26/09~~; 10/21

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial; or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

- Pre-Trial Order by February ~~26, 2009~~ 11/4

(g) Final Pre-Trial Conference: 8/19 at 4:30

(4) n/a

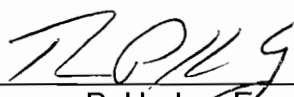
(5) n/a

(6) anticipated length of jury trial;

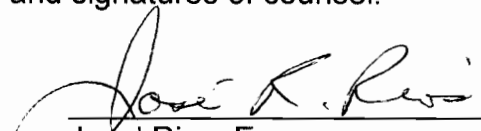
- One and one-half weeks

(7) The Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference as selected by the Justice;

(8) Names, addresses, phone numbers and signatures of counsel:

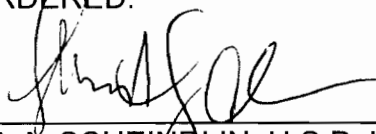


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SO ORDERED:



SHIRA A. SCHEINDLIN, U.S.D.J.